

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MARINE TRAVELIFT INC.,

Plaintiff,

v.

Case No. 09-C-1130

LAKE CITY INDUSTRIES, INC.,
d/b/a KLEECO ,

Defendant.

TEMPORARY RESTRAINING ORDER

This is an action for trademark infringement commenced by Marine Travelift, Inc. against Lake City Industries, Inc., d/b/a KLEECO. Marine Travelift filed a motion seeking a temporary restraining order and/or preliminary injunction to enjoin Lake City from using its registered trade name or any derivation thereof.

The Court having considered the briefs and arguments submitted by Marine Travelift, having offered an opportunity for Lake City to respond, and upon consideration of the entire record, concludes that Marine Travelift is entitled to temporary relief in the form of a temporary restraining order prohibiting the defendant from using its trade name. The Court finds that Marine Travelift has established a likelihood of success on the merits in that it has well-established prior rights in the "Marine Travelift" trade name or trademark, and that Lake City is infringing on those rights. Unless prevented from using Marine Travelift's trade name, Lake City is likely to continue causing consumer confusion and depriving Marine Travelift of sales income. The difficulty and uncertainty

of discovering lost sales will likely result in irreparable harm to Marine Travelift, and the public interest is best served by avoiding confusion that is likely to continue if Lake City is not enjoined. Of course, these findings are tentative and based on the limited record presented. Nevertheless, based on the foregoing, the Court enters the following temporary restraining order:

Lake City Industries, Inc., d/b/a KLEECO, is hereby enjoined from using the name "Marine Travelift" or "Marine Travel Lift" on its website as a description of its own goods or business.

This order is to take effect upon plaintiff's posting a \$10,000 bond with the Court.

This order will expire, unless continued by the Court, following an evidentiary hearing currently scheduled for December 30, 2009 at 1:30 p.m.

Dated this 18th day of December, 2009.

s/ William C. Griesbach

William C. Griesbach

United States District Judge